



Town of Merrimack, New Hampshire

Community Development Department
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Town Hall - Lower level - East Wing

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Planning - Zoning - Economic Development - Conservation

MERRIMACK ZONING BOARD OF ADJUSTMENT AGENDA FOR WEDNESDAY, JANUARY 25, 2023 MATTHEW THORNTON ROOM 6:30 P.M.

PLEASE TAKE NOTICE THAT, in accordance with the provisions of NH RSA 676:7, a Public Hearing will be held by the Zoning Board of Adjustment of the Town of Merrimack, in the Matthew Thornton Room on the second floor of the West Wing of Town Hall, at 8 Baboosic Lake Road, on Wednesday, January 25, 2023 at 6:30 P.M. to consider the petitions described in the agenda below.

*(clicking on a link in **blue text** will display the staff report for the selected application, clicking a link in **green text** will display a Google Map photo of the site location)*

1. **Call to Order**
2. **Roll Call**
3. **Catherine Turbett & Clinton Howell (petitioners/owners)** – [Variance under Section 3.02.4 of the Zoning Ordinance to permit an existing leach field to remain 13 feet from the side property line whereas 20 feet is required](#). The parcel is located at 19 Whitetail Ridge in the R-1 (Residential, by map) District. [Tax Map 4A, Lot 23-09](#). Case # ZBA 2023-07.
4. **Governor's Hill Corp (petitioner/owner)** – [Variance under Section 3.02.4 of the Zoning Ordinance to permit an existing leach field to remain 10 feet from the side property line whereas 20 feet is required](#). The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-01.
5. **Governor's Hill Corp (petitioner/owner)** – [Variance under Section 3.06 of the Zoning Ordinance to permit an existing rock retaining wall to remain 1.6 feet, at its closest point, from the side property line whereas 15 feet is required](#). The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-02.
6. **Governor's Hill Corp (petitioner/owner)** – [Equitable Waiver of Dimensional Requirements under Section 3.05 of the Zoning Ordinance to permit an existing leach field to remain 13 feet from the side property line whereas 20 feet is required](#). The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-06.
7. **Governor's Hill Corp (petitioner/owner)** – [Equitable Waiver of Dimensional Requirements under Section 3.02.4 of the Zoning Ordinance to permit an existing rock retaining wall to remain 1.6 feet, at its closest point, from the side property line whereas 15 feet is required](#). The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-05.
8. **Governor's Hill Corp (petitioner/owner)** – [Appeal from an Administrative Decision issued on December 13, 2022 that determined a newly installed \(2022\) leach field shall adhere to the Town's 20' property line setback despite being installed on a legal nonconforming lot of record.](#)

The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-03.

9. Governor's Hill Corp (petitioner/owner) – [Appeal from an Administrative Decision issued on December 13, 2022 that determined a rock retaining wall that is over 4' in height is considered a structure and is subject to setback requirements](#). The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. [Tax Map 6D, Lot 104](#). Case # ZBA 2023-04.

10. Mark Rivet (petitioner) and Fraser Square Realty, LLC (owner) – [Variance under Section 2.02.13 \(F\) of the Zoning Ordinance to permit a density of 6 multi-family residential units in the Town Center Overlay District on a 19,140 square foot parcel whereas 1 unit per 40,000 square feet is allowed](#). The parcel is located at 2 Railroad Avenue in the C-2 (General Commercial), I-1 (Industrial), Aquifer Conservation, Elderly Housing Overlay, and Town Center Overlay Districts. [Tax Map 5D-4, Lot 79](#). Case # ZBA 2023-08.

11. Discussion/possible action regarding other items of concern

12. Approval of Minutes – December 28, 2022

13. Adjourn

Copies of application materials are available at the Merrimack Community Development Department Office in Merrimack Town Hall for review by the general public between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday. It is the policy of the Board not to take up any new business after 10:00 P.M. and to adjourn by 10:30 P.M.

Posted 1/4/2023